

### **REMARKS**

Claims 1-45 have been rejected by the present Office Action. A Petition for Three Month Extension of Time and fee are concurrently filed with the present amendment and response. After entry of the present amendment, Claims 1- 45 remain pending in the application. The present amendment amends independent claims 1, 9, 17, 27, and 37, and dependent claims 2, 4, 14, 22, and 34, to clarify the respective scope of the claimed invention of claims 1, 2, 4, 9, 14, 17, 22, 27, 34, and 37. Reconsideration of the application in view of the present amendment and following remarks is respectfully requested.

#### **Claim Rejections Under 35 U.S.C. § 112**

Claims 2 and 3 were rejected under 35 U.S.C. §112 as not particularly pointing and distinctly claiming the subject matter which the applicant regards as his invention. Claim 2 has been amended to clarify that the “point-of-sale device comprises a location-base device”. The present rejection of claims 2 and 3 is believed to be traversed.

#### **Claim Rejections Under 35 U.S.C. § 102**

In the non-final Office Action, claims 1-45 were rejected under 35 U.S.C. §102(e) as being anticipated by Goeller, et al., U.S. Patent Publication No. 2002/01788112 (“Goeller”). The present amendment amends independent claims 1, 9, 17, and 27 to clarify that the claimed invention of claims 1, 9, 17, and 27 can include “a plurality of user selectable identifiers associated with the merchant, wherein each of the plurality of user selectable identifiers is assigned to at least one selected type of check transaction”. (Underlining supplied). Furthermore, independent claim 37 has been amended to clarify the claimed invention of claim 37 can include “a first means for converting a non-face-to-face payment under an identifier associated with a party accepting the non-face-to-face payment, wherein the identifier is assigned to at least one selected type of check transaction”. (Underlining supplied). These amendments are fully supported by the Applicants’ specification in at least paragraphs [0157] through [0163], wherein, for example:

FIG. 11 illustrates a specific example where each the four exemplary identifiers are assigned to preferentially handle selected types of check transactions. The "preferential handling" may be facilitated by a single POS device wherein a default set of options are loaded into the device upon the selection of the identifier. The single POS device may still allow other functions (not associated with the selected configuration) to be performed via one or more menus. The preferential configuration may also be implemented via a plurality of POS devices associated with the merchant, with each device having similar default set of preferred options and other selectable functions. (*See* paragraph [0158]).

Thus in the exemplary configuration of FIG. 11, merchant A is depicted as having the exemplary identifier ID1 (494a) associated with configuration A1 that preferentially handles face-to-face checks (as indicated by arrow 506a). Similarly, the ID2 (494b) is associated with configuration A2 that preferentially handles both face-to-face and non-face-to-face checks (as indicated by arrow 506b). The ID3 (494c) is associated with configuration A3 that preferentially handles non-face-to-face checks (as indicated by arrow 506c). The ID4 (494d) is associated with configuration A4 that preferentially handles non-face-to-face checks having common check amounts (as indicated by arrow 506d). As previously described, these exemplary preferred configurations can be implemented via one or more POS devices. (*See* paragraph [0159]).

In FIG. 12A, a process 520 obtains a merchant identifier via a menu associated with the POS device. The process 520 in step 522 induces displaying of the menu. In step 524 that follows, the process 520 prompts for the user's selection. Such a selection prompt may be achieved by an exemplary message 534 (for entering a new identifier) displayed on the display panel 146. In step 526 that follows, the process 520 obtains the input from the user. The user input may be facilitated by the exemplary keypad 150. In step 530 that follows, the process 520 prompts for and obtains a merchant identifier. Prompting and obtaining of the merchant identifier from the user may be facilitated by a message 536. In step 532

that follows, the process 520 uses the obtained identifier to induce receiving and loading of a configuration associated with the identifier. The loading of the configuration may be visually confirmed to the user by an exemplary message 540. (See paragraph [0162]).

In contrast to the claimed invention of amended independent claims 1, 9, 17, and 27, *Goeller* does not disclose or suggest the use of “a plurality of user selectable identifiers associated with the merchant, wherein each of the plurality of user selectable identifiers is assigned to at least one selected type of check transaction”. Moreover, *Goeller* does not disclose or suggest “a first means for converting a non-face-to-face payment under an identifier associated with a party accepting the non-face-to-face payment, wherein the identifier is assigned to at least one selected type of check transaction” as in Applicants’ amended independent claim 37. Instead, *Goeller* relates to the use of a “unique merchant identifier for each merchant name and location that originates transactions”. See paragraph [0050]. The “identifier” in *Goeller* is very different than a “user selectable identifier” assigned to at least one selected type of check transaction as in the Applicants’ claimed invention of amended independent claims 1, 9, 17, and 27. Wherein *Goeller* utilizes identifiers to uniquely identify a merchant by name and location, the Applicants’ specification states that, for example, “exemplary identifiers are assigned to preferentially handle selected types of check transactions. See paragraph [0158].

In addition, while *Goeller* also relates to automatically or manually selecting one of three service options such as Conversion Only, Verification with Conversion, and Guarantee with Conversion, these service options are not identifiers associated with the merchant since all three service options appear to be universally offered regardless of any merchant. See paragraphs [0039] to [0040]. The universal service options of *Goeller* do not appear to relate to any selected type of check transaction, but rather appear to relate to whether a merchant decides to route a particular transaction to a Point of Sale Check Service for processing or not. *Id.*

For at least the reasons provided above, amended independent claims 1, 9, 17, 27, and 37 should be allowable over the cited reference.


The present amendment also amends dependent claims 4, 14, 22, and 34 to conform with the respective independent claims. Dependent claims 2-8, 10-16, 18-26, 28-36, and 38-45 are ultimately dependent from at least one of the amended independent claims 1, 9, 17, 27, and 37,

for which arguments of patentability have been provided above. If the base independent claims are allowable over the cited reference, the corresponding dependent claims should also be in condition for allowance.

**CONCLUSION**

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,

  
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